

## Message Text

LIMITED OFFICIAL USE

PAGE 01 MADRID 01537 281838Z POSS DUPE  
ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 L-03 CIAE-00 INR-07 NSAE-00  
ERDA-05 FEA-01 EB-08 INT-05 AGRE-00 COME-00 HUD-01  
EPA-01 HEW-04 NSF-01 /055 W  
-----010724 076615 /15  
R 281702Z FEB 77  
FM AMEMBASSY MADRID  
TO SECSTATE WASHDC 9148

LIMITED OFFICIAL USE MADRID 1537

E.O. 11652: N/A  
TAGS: PFOR, TGEN, SP  
SUBJECT: SPANISH REQUEST FOR INFORMATION: U.S. ACCESS TO RESEARCH  
RESULTS UNDER THE TREATY OF FRIENDSHIP AND COOPERATION

REF: (A) MADRID 1414; (B) MADRID 598

1. IN ADDITION TO OTHER PROBLEMS RECENTLY OUTLINED IN  
MADRID 1414, SPANISH HAVE RAISED INFORMALLY THE ISSUE OF  
U.S. ACCESS TO KNOW-HOW AND PATENT RIGHTS ARISING FROM  
U.S.-SUPPORTED RESEARCH (POINT E OF PARA 5 OF MADRID 598).

2. THE RELEVANT SECTIONS OF THE TREATY (ARTICLES 4 AND 8  
OF SUPPLEMENTARY AGREEMENT NUMBER 3) DO NOT REQUIRE SUCH  
ACCESS, BUT SPECIFY THAT DISPOSITION OF ANY SUCH PROPRIETARY  
PROPERTY SHALL BE PROVIDED FOR BY SPECIFIC AGREEMENT.

3. WE HAVE DEFENDED U.S. ACCESS ON GENERAL GROUNDS OF  
EQUITY, BUT SPANISH INDICATE BY MEMORANDUM THAT THEY WOULD  
APPRECIATE SPECIFIC INFORMATION ABOUT U.S. LAWS ON THIS  
SUBJECT.

4. TO ASSIST EMBASSY IN RESPONDING, WE REQUEST DEPARTMENTAL  
GUIDANCE ON THE FOLLOWING POINTS:  
LIMITED OFFICIAL USE

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- WHAT ARE THE RELEVANT LAWS AND, IN SUMMARY, WHAT DO THEY SAY?  
- HOW MUCH FLEXIBILITY DO WE HAVE?  
- DOES DEPARTMENT ADVISE NEGOTIATING THIS ISSUE  
INDIVIDUALLY FOR VARIOUS PROGRAMS, OR USE OF ONE OVERALL  
AGREEMENT?  
- WHAT SORT OF SPECIFIC LANGUAGE DOES DEPARTMENT WISH  
TO SEE IN ANY AGREEMENT?

- IS THERE ANY DIFFERENCE IN THE U.S. POSITION  
DEPENDING ON THE TYPE OR AMOUNT OF THE U.S. GRANT?STABLER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** INFORMATION EXCHANGE, SCIENTIFIC COOPERATION, AGREEMENTS, RESEARCH  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 28-Feb-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977MADRID01537  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770069-0839  
**Format:** TEL  
**From:** MADRID  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t1977023/aaaaacqx.tel  
**Line Count:** 64  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 828617c5-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION OES  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 MADRID 1414, 77 MADRID 598  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 09-Mar-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3289819  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SPANISH REQUEST FOR INFORMATION: U.S. ACCESS TO RESEARCH RESULTS UNDER THE TREATY OF FRIENDSHIP AND COOPERATION  
**TAGS:** PFOR, TGEN, SP, US  
**To:** STATE  
**Type:** TE  
**vdkgvkey:** odbc://SAS/SAS.dbo.SAS\_Docs/828617c5-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009